

ESTTA Tracking number: **ESTTA751062**

Filing date: **06/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lawrence M Bienati
Granted to Date of previous extension	06/08/2016
Address	380 Wool Court Benicia, CA 94510 UNITED STATES
Attorney information	Matthew H. Swyers The Trademark Company, PLLC 344 Maple Avenue West, Suite 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com Phone:1-800-906-8626 Ext 100

Applicant Information

Application No	86528909	Publication date	02/09/2016
Opposition Filing Date	06/08/2016	Opposition Period Ends	06/08/2016
Applicant	Simplicity Corporation 1560 Wilson Boulevard, Suite 550 Arlington, VA 22209 UNITED STATES		

Goods/Services Affected by Opposition


Class 042. First Use: 2009/10/15 First Use In Commerce: 2009/10/15
All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for use by employers in recruiting from educational institutions, colleges, and universities for posting jobs, interview scheduling, searchingstudent rÅsumÅs, and event management

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3974653	Application Date	10/27/2010
Registration Date	06/07/2011	Foreign Priority Date	NONE
Word Mark	ONESTOP HR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1997/08/05 First Use In Commerce: 1997/08/05 Business management consulting and advisory services; Consulting services in the field of human resources development, namely, for the promotion of employee retention, career growth, and increased productivity for employees and employers; Consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers; Management consulting and advisory services in the areas of corporate growth strategy, innovation and growth processes, organizational transformation, and talent management and development strategies

Attachments	85161972#TMSN.png(bytes) Notice of Opposition.pdf(179880 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Matthew H. Swyers/
Name	Matthew H. Swyers
Date	06/08/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the Matter of Serial No. 86/528,909
For the trademark ONESTOP

Lawrence M. Bienati,

Opposer,

vs.

Symplicity Corporation,

Applicant.

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Opposition No. _____

NOTICE OF OPPOSITION

COMES NOW Lawrence M. Bienati, a citizen of the United States, having an address of 380 Wool Court, Benicia, California 94510 (hereinafter, “Opposer”), by counsel, The Trademark Company, PLLC and states that he believes that he will be damaged by the registration of the trademark ONESTOP, as more fully identified in Serial No. 86/528,909, as filed for by Symplicity Corporation, a Delaware corporation, having a principal business mailing address of 1560 Wilson Boulevard, Suite 550, Arlington, Virginia 22209 (hereinafter “Applicant”) and, accordingly, opposes the granting of said registration.

As grounds for this opposition, it is alleged that:

1. For many years, Lawrence M. Bienati (hereinafter referred to as “Opposer”) has been and now is engaged in providing business management, consulting and advisory services in the field of human resources.

2. Specifically, Opposer is the owner of Federal Trademark Registration No. 3,974,653, which was filed on October 27, 2010 for the mark ONESTOP HR (hereinafter “Opposer’s Mark”) for use in connection with the following services, namely: “Business management consulting and advisory services; Consulting services in the field of human resources development, namely, for the promotion of employee retention, career growth, and increased productivity for employees and employers; Consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for

employees and employers; Management consulting and advisory services in the areas of corporate growth strategy, innovation and growth processes, organizational transformation, and talent management and development strategies,” in International Class 35 (hereinafter “Opposer’s Services”). This registration maintains a priority date of August 5, 1997.

3. Opposer’s underlying Application for Opposer’s Mark was assigned U.S. Serial No. 85/161,972.

4. On June 7, 2011 Opposer’s Mark published on the Principal Register and was assigned Registration No. 3,974,653.

5. Opposer has spent large sums of money and expended tremendous effort in promoting Opposer’s Services under Opposer’s Mark which has become well known and associated exclusively with Opposer and Opposer’s Services. The goodwill of the business connected with the use of, and symbolized by, the Opposer’s Mark is an asset of incalculable value.

6. As a result of Opposer’s continuous use of Opposer’s Mark and the high quality of its services, Opposer has established an excellent quality in identifying and distinguishing Opposer’s Services.

7. On or about February 9, 2015 Applicant filed an Application to register the mark ONESTOP (hereinafter “Applicant Mark”), for use in connection with the following services: “Software as a service (SAAS) services featuring software for use by employers in recruiting from educational institutions, colleges, and universities for posting jobs, interview scheduling, searching student résumés, and event management” in International Class 42 (hereinafter “Applicant’s Services”).

8. A brief review of the Applicant’s website posted to the Applicant’s domain name: onestop.symplicity.com showed the Applicant using the ONESTOP Mark in connection with numerous articles containing information regarding various aspects of the human resources field which directly infringe, contravene, and confuse what the Opposer provides in its Onestop™ HR business model.

9. Applicant's Application for Applicant's Mark was assigned U.S. Serial No. 86/528,909.
10. Applicant's Application claims a date of first use of Applicant's Mark used in conjunction with Applicant's Services in commerce on October 15, 2009.
11. Upon information and belief, the Applicant is Symplicity Corporation, a Delaware corporation, having a principal business mailing address of 1560 Wilson Boulevard, Suite 550, Arlington, Virginia 22209.
12. Applicant's Application for Applicant's Mark published for opposition on or about February 9, 2016.
13. On or about March 9, 2016, Opposer filed an Extension of Time to Oppose Applicant's Application to register Applicant's Mark. Opposer's aforementioned Extension of Time to Oppose was granted allowing Opposer until June 8, 2016 to formally oppose Applicant's Application to register Applicant's Mark.
14. There is no issue of priority. Upon information and belief, Applicant has not acquired rights in Applicant's Mark before Opposer acquired rights in Opposer's Mark.
15. Applicant's applied-for mark is confusingly similar to the Opposer's Mark as more fully identified in paragraph 2 of this Notice of Opposition above.
16. Upon information and belief, Applicant's Services will be offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's Services. As applied to Applicant's Services, Applicant's Mark so resembles the Opposer's Mark that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the services.
17. Upon information and belief, registration of Applicant's Mark will diminish and dilute the distinctive quality of Opposer's Mark. One viewing Applicant's Mark will associate the mark with Opposer's Services, resulting in damage to Opposer.
18. Opposer will be damaged by the registration of Applicant's Mark for the services identified on U.S. Serial No. 86/528,909 in International Class 42, as a result of the aforementioned confusion, mistake, and deception.

19. If Applicant is granted the registration of the application as more fully identified by U.S. Serial No. 86/528,909 it would support statutory rights for Applicant in violation and derogation of Opposer's prior rights which would be a source of damage to Opposer.

20. By reason of the foregoing, Applicant is not entitled to registration of the trademark ONESTOP as more fully identified in U.S. Appl. Serial No.: 86/528,909 for the Applicant's Services in International Class 42.

WHEREFORE, Opposer respectfully requests that the Application, Serial No. 86/528,909 be rejected, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of the Opposer.

Respectfully submitted this 8th day of June, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the Matter of Serial No. 86/528,909
For the trademark ONESTOP

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Opposition No. _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 8th day of June, 2016 to be served, via first class mail, postage prepaid, upon:

LORA A. MOFFATT
Crowell & Moring Llp
PO Box 14300
Washington, DC 20044

And

Symplicity Corporation
1560 Wilson Boulevard, Suite 550
Arlington, VA 22209

/Matthew H. Swyers/
Matthew H. Swyers